

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number.....3-03-045 Macondray

Applicant.....Karen Macondray & Douglas Weaver

**Project location.....Northwest corner of San Carlos and 1st Avenue, Carmel, Monterey County
(BLOCK 6 ½, LOTS E ½ 17 & 19; APN 010-116-006) (See Exhibit A)**

**Project description.....Demolition of an existing 1,445 square foot, single-story residence and garage
to facilitate construction of a new 1,800 square foot two-story residence and
garage. (See Exhibit B)**

Local approval.....City of Carmel-by-the-Sea: DS 01-06 / RE 00-19.

**File documents.....City of Carmel-By-The-Sea approved Land Use Plan and uncertified Zoning
Ordinance; Categorical Exclusion Order E-77-13; City of Carmel Community
Building and Planning Department Staff Report (04/25/01).**

Staff recommendationApprove with Conditions

Summary: The Applicant proposes to demolish an existing single-story residence and garage approximately 1,445 square feet in size and construct in its place a two-story residence of approximately 1,800 square feet on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The proposed project received design review approval from the City in April 2001 and after staff review, was calendared for the Commission's August 2001 hearing. At the request of the applicant, the item was postponed until the Commission's January 2002 hearing where it was summarily withdrawn. At the time, staff was recommending denial of the proposed project because it was inconsistent with the established character of the neighborhood and because the individual and cumulative impact of changes in character facilitated by the demolition may have prejudiced the City's efforts to prepare and complete a certified LCP consistent with the Coastal Act. Since that time, the City's Land Use Plan (LUP) has been certified and the applicant has resubmitted the proposed project without change. The application was again calendared for the Commission's June 2003 meeting where it was continued to allow the applicant to present additional information in support of the project.

The proposed project involves demolition of an older Carmel cottage that exhibits many of the small scale and architectural attributes identified by the City in its recently certified Land Use Plan (June 3, 2003). By contrast, the replacement house is much larger in size and mass than the simple modest homes immediately adjacent to it. The architectural design of the replacement home is modern, complex, and out of character



California Coastal Commission
September 10, 2003 Meeting in Eureka

Staff: Mike Watson Approved by:

with the existing residences in the neighborhood. The structural footprint is complex; the roof form is multifaceted, complete with tower element and more than 25 roof planes. Although the proposed design is inconsistent with the Coastal Act and City-certified LUP policies, the building intensity (site coverage) is appropriate for the site and a significant portion of the lot (55%) is retained in open space. No trees will be removed, though two lower canopy trees (required by City approval) and three upper canopy trees will be planted. Finally, the project plans for the new house call for roughly 50 cubic yards of grading on the 4,000 square foot lot.

The Commission approved the City's most recent LUP submittal at its March 6, 2003 meeting and the City adopted it on June 3, 2003. The LUP document was formally certified by the Commission at its July 10, 2003 meeting. The land use policies and objectives provide broad policy guidance on future development and redevelopment of the City's residential housing stock. In general, though, the LUP policies require that new development be consistent with the established character of Carmel's residential district and relate to the scale and massing of homes in the immediate neighborhood and block. Additionally, there are policies that protect the City's Monterey pine and oak dominated forest resources while simultaneously addressing storm water runoff and maintaining water quality.

In this case, the project was approved by the City of Carmel prior to the adoption of the LUP as modified by the Commission. Thus, the City's review did not fully address the design criteria established by the City's LUP, which provides important guidance to the Commission for evaluating the project's consistency with Coastal Act Section 30253(5) protecting community character. The proposed replacement house does not embody the characteristics identified in the certified LUP that contribute to the visual quality of Carmel. The City's approval did not require a drainage plan to address storm water runoff as required by the LUP, and the applicant did not volunteer one. As proposed, the replacement house is inconsistent with section 30253(5) of the Coastal Act for the protection of special communities and section 30231 for minimizing adverse impacts from storm water runoff.

Staff is recommending special conditions to require Final Plans showing that the house design has been simplified by reducing the number of roof planes and eliminating decorating details to create a simpler home that is consistent with the City's certified LUP policies. In addition, a Drainage Plan is required documenting that all runoff from the roof, driveways, and other impervious surfaces will be directed onto permeable areas onsite in a non-erosive manner. The project does not otherwise impact visual resources or coastal access.

Therefore, only as conditioned, can the project be found consistent with the Chapter 3 policies of the Coastal Act.



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I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard conditions below.

Motion. I move that the Commission approve Coastal Development Permit No. 3-03-045 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Coastal Development Permit. The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Conditions of Approval

A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the



Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. Revised Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, revised plans redesigning and simplifying the roof of the approved residence and eliminating decorative architectural details. The Applicant may redesign the roof form in any manner appropriate with the Residential Design Guidelines of the City of Carmel, but shall limit the number of roof planes to no more than 19. Furthermore, the revised plans shall demonstrate that the oriel windows located on the north, east, and west elevations have been removed. No decorative appendages that increase volume to the residence will be permitted. In addition, the Revised Plans shall incorporate all feasible construction measures and practices to avoid removal and pruning of significant trees during construction.
2. Drainage Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a Drainage Plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be directed into permeable areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

The City of Carmel-by-the-Sea is located entirely within the coastal zone but does not yet have a certified LCP. The Commission recently certified a Land Use Plan (LUP) but has yet to take action on an Implementation Plan (IP). The City formally adopted the Commission's suggested modifications to the LUP on June 3, 2003 and thus, only the IP remains uncertified. Nevertheless, until the Commission has certified the entire LCP submittal, the Commission retains coastal permitting authority over development within the City, for which the standard of review is the Coastal Act of 1976. The adopted LUP can



provide broad policy guidance and staff has referred to the LUP during its evaluation of this project, however, the main issues raised by the proposed project are reviewed for consistency with Chapter 3 of the Coastal Act.

The Commission has authorized a broad-ranging categorical exclusion within the City of Carmel (Categorical Exclusion E-77-13) that excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City. The proposed development, however, is not excluded under Categorical Exclusion E-77-13 because it involves demolition.

B. Project Location and Description

The Applicant proposes to demolish an existing single-story residence and garage (approximately 1,445 square feet) and construct a two-story residence with garage (1,800 square feet) in its place, on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The proposed development is located on the Northwest corner of San Carlos and 1st Avenue. The neighborhood was subdivided in 1908 and has the distinction of being one of the earliest subdivisions within the incorporated city limits.

The existing home is a modest ell-shaped board and batten cottage with a simple, moderately sloped gable roof with 4 roof planes. By contrast, the replacement home is more reflective of a modern stucco villa with some Tudor-esque elements. The building footprint consists of a series of rectangular elements fashioned into a rough “U” shape and the design incorporates a very complex roof form with a tower element and at least 25 roof planes. There are a number of appendages and offsets adding to the complexity and mass of the proposed replacement house, but not actual living space (i.e., floor area). The primary exterior building materials include plaster wall, simulated slate roof, true-divided wood windows and Carmel stone at the chimney, garage, entry, and garden walls. The design includes four skylights, three oriel windows, a second floor deck with wrought iron railing, and copper rain gutters.

Structural coverage of the site is relatively similar between the existing and proposed homes (1,445 and 1,400 square feet respectively), though massing is much greater with the replacement home due to the second story element and circular staircase tower. Total impervious site coverage for the existing and proposed site condition is likewise similar at approximately 45%. (Exhibit C) As a condition of its design review permit, the City required two lower canopy trees (i.e., coast live oaks) be planted to address the additional mass at the 1st Avenue frontage. The applicant also proposes 3 upper canopy trees along the northern property boundary to aid in screening.

The existing home and garage slated for demolition were constructed in the early 1950's, though well maintained, has undergone changes that have altered its integrity and as such no longer qualifies for historical designation under either the California Register of Historical Resources (CRHR) or the City's criteria as a historic resource.

C. Issue Discussion



1. Community Character

While residential development in most of Carmel is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13, in general, demolitions and development along Scenic Road are not excluded. Because the City of Carmel does not have a certified LCP, the Coastal Commission must issue the coastal development permit.¹ The main issue raised by demolition and remodel projects in Carmel is the preservation of community character. Section 30253 of the Coastal Act addresses the issue of preserving the community character of special communities such as Carmel:

30253(5): New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Demolition of existing residential buildings in Carmel is not a recent phenomenon. However, a series of demolitions in the recent past have engendered controversy over whether or not an existing house represents the historical, architectural, and environmental character of Carmel; and if a replacement house detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics. There are a number of examples where a house or houses were demolished and a single, much larger house constructed on the site. In other instances, a single house straddling a lot line has been demolished and two new, smaller houses were constructed. In either of these types of instances, the character of Carmel may or may not be preserved. The size of a house is one aspect of Carmel's character, but not all existing houses in Carmel are small. However, because the lots are almost all relatively small, about 4000 square feet, the general pattern of development is one of smaller houses.

Another aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it pervades the City and is a defining characteristic of Carmel. Demolition can result in tree damage and/or removal. New construction after demolition also may result in the loss of trees, especially if a new structure is built out to the maximum allowed by the zoning.

Carmel is also a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. The City is considered a “special community” under the Coastal Act due to its unique architectural and visual character. It is often stated that Carmel, along with such other special coastal communities as the town of Mendocino, is one of the special communities for which Coastal Act Section 30253(5) was written. Indeed, Carmel has been, and remains today, a spectacular coastal resource known the world over as an outstanding visitor destination as much for the character of its storied architecture, as for its renowned shopping area and white sand beach. In part, Carmel is made special by the character of

¹ On July 10, 2003, the Commission formally certified the City's Land Use Plan. Though the LUP can provide guidance for staff's review of coastal development permit applications, until the City has a fully certified LCP (both LUP and Implementation Plan) and assumes coastal development permitting responsibilities, the standard of review remains the Coastal Act.



development within City limits as various architectural styles present reflect the historical influences that have existed over time.

a. Historic Resources

Historic Resources are an important component of Carmel's community character. The recent LUP adopted by the Commission includes detailed policies about how to identify and protect historic resources. Although not the formal standard of review in this project, the policies do provide useful direction for evaluating whether the project is consistent with 30253(5) of the Coastal Act.

For example, Land Use Plan P1-88 states:

Establish procedures to add historic resources to the Carmel Inventory based on recommendations from a qualified professional, as part of the City's ongoing survey process. To qualify for listing in the Carmel Inventory, historic resources shall meet at least one of the California Register criteria, shall be representative of at least one theme included in the Historic Context Statement and shall retain substantial integrity.² Integrity (association, feeling, setting, location, design, materials and workmanship) shall be documented by comparing the existing condition of the resource with the original building plans or early photographs or other substantial evidence (e.g. literature review, architectural files, land records, Sanborn maps, etc.) and/or by physical inspection by a qualified historic preservation professional.

Additionally, LUP Policy P1-89 states:

To qualify for listing in the Carmel Inventory, an historic resource eligible under California Register criterion #3 only, shall: (1) have been designed and/or constructed by an architect, design/builder or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; (2) have been designed and/or constructed by a previously unrecognized architect, design/builder or contractor if there is substantial, factual evidence that the architect, designer/builder or contractor contributed to one or more of the historic contexts³ of the City to an extent consistent with other architects, design/builders or contractors identified within the

² Integrity is based on why a property is significant. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant. The steps in assessing integrity are (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance and (4) determine which aspects of integrity are vital if the property is to qualify as a resource (adapted from the National Register of Historic Resources, Bulletin #15).

³ An historic context is a body of information about historic properties organized by theme, place and time. A single historic context describes one or more important aspects of the development of an area relating to its history, architecture, archaeology and culture. A context may be based on one or a series of events, patterns of community development, or associations with the lives of a person or group of persons that influenced the destiny and character of a place or region (from National Register Bulletin #24). Currently there are five themes developed in Carmel's Historic Context Statement. They are: (1) Prehistory and Hispanic Settlement, (2) Economic Development, (3) Government, Civic and Social Institutions (4) Architectural Development in Carmel and (5) Development of Art and Culture.



Historic Context Statement; (3) be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or (4) display a rare style or type for which special consideration should be given.

The City's recent LUP submittal contains a Historic Preservation Element that provides a process for identifying, evaluating, and designating historic resources. To ensure that all homes are evaluated for potential historic significance, when a development proposal is brought to the planning office, the assigned planner initiates the first steps in identifying whether the residence is historically significant. The first step is to consult the City's Historic Resources inventory to see if the structure has been evaluated and designated. If so, development may proceed according to the Secretary's of Interior Standards for the rehabilitation of historic resources. If the structure is not on the City's inventory, the original building plans are sought and compared with an on-site site assessment of the home. To qualify as a historic resource, the structure must retain substantial integrity. Depending on the state of a structure, a qualified professional may be called to prepare an historic evaluation that includes researching the origins of the house, its relationship to the builder, occupants, and possibly any contributions to the broad patterns of development at the local, state, or national level. The City's LUP criterion for establishing historical significance generally follows the California Register of Historical Resources eligibility requirements.⁴ For example, a structure that has retained its integrity and is a good example of a particular architectural style or constructed by a well-known builder, would qualify as a historic resource. As such, treatment of the resource under the LUP policies specifically prohibit demolition but allow for rehabilitation with a limited amount of development including the possibility of an addition consistent with the Secretary of Interior Standards.

Analysis

The existing residence was originally constructed as modest 1,445 square foot ell-shaped cottage in 1953. Raymond E. Dawson was original owner/builder and there has been several other subsequent owners, none of whom are identified as notable within the City's context statement. As noted above, the cottage is well maintained and appears, at first blush, to be a good example of the craftsman homes from this era. Review of the building files, however, reveals that there have been significant alterations at the primary elevations (1st Avenue and San Carlos) that have diminished the importance of this home within its original context. Since its construction, the house has had seen several remodels including two interior remodels and one to the exterior. The exterior remodel in 1999 removed an existing window and added a sliding glass door to the primary elevation along San Carlos. At the same time, a second entrance (slider) and landing was installed along the 1st Avenue elevation. In addition, a third slider was added to the rear bedroom that leads out to a small cantilevered deck facing the west and several windows were replaced.

⁴ The California Register has four criteria for historic significance. These are: (1) the resource is associated with events that have made a significant contribution to broad patterns of local or regional history or the cultural heritage of California or the United States; or (2) the resource is associated with the lives of persons important to local, California or national history; or (3) the resource embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values; or (4) the resource has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.



These changes to the exterior of the cottage have significantly altered the original context of the house as viewed from the primary elevations. The primary and sole entrance to the cottage no longer resides in the corner of the “ell.” Access can be gained from both San Carlos and 1st Avenue. These changes are evident from the public right-of-way and have diminished the integrity of the cottage as a good example of the distinctive type of architecture from the post-war period. Changes to the cottage were confirmed by a staff visit to the site in early June 2003. Though its size and scale relative to the site and forest environment can be considered harmonious, whatever distinct architectural style or charm that may have existed has been lost in the remodels that have occurred over time.

Conclusion

Based on the available evidence including original building plans, the original occupants, the builders, a site assessment, and reference to the City’s Historic Context Statement, this structure does not rise to a level of historic resource in Carmel. Although it is a good example of a typical Carmel cottage, the structure does not represent the work of a master builder, the integrity of the structure has been compromised, and there are no known associations with notable persons or events. Thus, the existing structure does not qualify for listing as a historic resource under the California Register criteria for local or state or national significance.

b. Character of Existing and New Development

Historic Resources are an important aspect of Carmel’s community character. There are, however, other aspects of Carmel’s character that are equally important to maintain and preserve such as, size and mass, architectural style, and the celebrated forest canopy. The existing structure is a modest 1,445 square foot ell-shaped cottage built in 1953. The exterior of the cottage is board and batten and there is a moderately sloped cross-gabled roof. The cottage closely resembles the original plans in size, scale, and character. It is thoughtfully integrated into the moderate slope of the lot and is surrounded by mature pine and oak trees. Other than for the 1999 remodel described in the section above, the dwelling is a good example of the post World War II housing that encouraged casual indoor/outdoor living. Due to a loss of integrity, though, the house no longer rises to a level of historical significance; it does continue to convey a sense of and contribute to the distinct character of Carmel and the neighborhood. The recently adopted LUP includes detailed policies about how to protect and maintain these “character” resources. As noted above, the LUP policies provide useful direction for evaluating whether the project is consistent with 30253(5) of the Coastal Act.

For example, adopted LUP Policy P1-40 states:

Site improvements shall be compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. Design solutions should relate to and take advantage of site topography, vegetation and slope. Designs shall recognize the limitations of the land and work with these limitations rather than ignoring them or trying to override them.

Adopted Land Use Plan Policy P1-41 states:



Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape. Buildings shall not present excess visual mass or bulk to public view or to adjoining properties. Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, window, roofs, and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human form, vitiates the more intimate, rural charm and village character of Carmel-by-the-Sea and should be avoided.

Adopted Land Use Plan Policy P1-42 states:

The design of structures shall be coordinated with open space to enhance the park-like environment of the City. Open space should be distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites. Designs shall coordinate structural elements with landscaping to achieve a pleasing overall site design.

Adopted Land Use Plan Policy P1-46 states:

All demolitions, rebuilds, remodels, and substantial alterations shall be consistent with the following findings:

- *The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City's Design Objectives.*
- *Mass of the building relates to the context of other homes in the vicinity.*
- *The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.*
- *The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings and structures will be setback a minimum of 6 feet from significant trees.*

Adopted LUP Policy P1-50 states:

Limit above grade floor area on 4,000 square foot lots to a maximum of 1,800 square feet. Projects with less above grade square footage shall be preferred. Structural coverage shall not exceed 45% of the site. Total site coverage (structural and other impermeable coverage) on 4,000 square foot lots shall not exceed 55% of the site. Locate open space so that it visually links with adjacent properties.



i. Size/Scale/Massing

To get a sense of the established character of Carmel, the City undertook a multiyear Design Traditions Project, which identified among other things, the essential elements of the village character. The Design Traditions Project took a comprehensive look at all natural and manmade variables that shaped Carmel's development from subdivision patterns to topographic features, the forested landscape, zoning standards, and ultimately expressions of design and architectural styles. A citizen group participating in this project under direction from the City's consultants concluded that the general pattern of development was that of small homes on small lots, and larger homes on multiple lots. Given the majority of sites are small 4,000 square foot lots, that group further distilled the essence of Carmel character to simple, modest homes nestled in the forest.

The LUP policies, which provide broad guidance for future development and redevelopment, are born out of the results of the Design Traditions Project. For example, "Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape" is a simple restatement of the Design Traditions Project conclusion. Other examples of LUP policies or policy excerpts, derived from the conclusions of the Design Traditions Project, include:

- Buildings shall not present excess visual mass or bulk to public view or to adjoining properties.
- The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.
- Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, window, roofs, and walkways. Oversized design elements make structures appear dominating and monumental.

The intent of these policies is to provide planners with the framework to evaluate project consistency with the established small-scale character of the community and give them discretion to guide development/ redevelopment responsibly while still allowing for diversity in architectural expression. It is this notion of "cottage nestled in the forest" that is most noticeably threatened by redevelopment of the City's residential neighborhoods.

Project Analysis and Impacts

In the past, the Commission expressed concern that demolitions were facilitating construction of replacement home structures that were much larger in size, scale, height, etc. The primary basis for this concern was the effects these changes would have on community character. Carmel is world-renown for its small cottages. There are many examples of modern and classic literature, which describe and/or illustrate this unique element of Carmel's community character.

In this case, the applicant proposes a 1,800 square feet two-story replacement house with garage. This is 355 square feet or 25% more floor area than the existing cottage. The demolition will also facilitate an increase in mass, which will be most noticeable along the 1st Avenue (south elevation) frontage. The lot



has a moderately steep grade (approximately 16%) that drops from the north east corner down to the southwest (1st Avenue frontage). The slope will accentuate the additional massing of the proposed house—especially in relation to the cottages immediately adjacent. Please see Exhibit D. As previously noted, the architectural design includes multiple offsets and appendages, a circular staircase, and numerous steep-pitched roof elements that combine to give the impression and feeling of a mini castle. This is in stark contrast to the simple, modest cottages directly adjacent on San Carlos Street and inconsistent with newly adopted LUP policies for preserving the established character of the neighborhood. The re-subdivided corner lot (50' x 80') is broader than the typical 40' x 100' lot and provides a more balanced area on which to site the proposed house. Though, because it is a corner lot, massing of the structure is more noticeable -the house is visible from two vantages. Due to the required 10' setbacks along the south and eastern (1st Avenue and San Carlos Street) frontages, there is minimal lot area remaining at the respective rear and side yards. As a result, there is very little visual separation between homes on both sides. The front yard setbacks do, however, provide ample space for planting of trees and the design of storm water drainage facilities. Table 1 provides a summary of the existing and proposed site conditions.



TABLE 1 –Macondray Project Site Data (50' x 80')

Lot Size = 4,000 sq. ft.	LUP Policy	Existing	Proposed	Difference
Floor Area/Bldg Coverage	1,800 sf (45%)	1,445 sf (36%)	1,800 sf (45%)	25%
Site Coverage	400 sf (10%)	unknown	400 sf (10%)	--
Height (one-story/two-story)*	18' / 24'	17'	24'	7'
Volume (staff estimate)*	20,639 cu'	unknown	22,198 cu'	1,559 cu'
Volume (applicant estimate)*	20,764 cu'	unknown	20,757 cu'	(7 cu')
Setbacks				
Front (1 st Avenue.)	10'	10'	10'	No change
Rear (north)	3'	17'	5'	(12')
Side Yards (combined)	12.5'	16'	14.5'	(1.5')

* Not in the certified Land Use Plan.

The City's staff report submitted with the application materials describes the applicant's proposal in the following way:

The tower element, complex roof, and building scale suggest a more formal and visually prominent design treatment than is common in this neighborhood.

The City also expressed uncertainty with respect to design treatment of the replacement home in its response to three critical Municipal Code Findings. Although these Code Findings are not certified by the Commission, they do provide important context for understanding the potential community character impacts of the project. The municipal code findings closely follow the newly adopted Land Use Plan policies. In particular, Section 17.18.170, *Findings Required For Design Study Approval*, require that City evaluate whether the submitted plans support adoption of the findings. Those findings include:

1. *The design is sensitive to site features including topography, slope, access, vegetation, and the site's relationship to adjoining properties.*
3. *All improvements are designed to a human scale and a residential character, and the improvements will not appear excessively massive or dominating, as viewed from adjoining properties or from any public right-of-way.*
9. *The design is compatible with the character of the neighborhood and would not provide an incentive for construction on other sites that would be inconsistent with*



neighborhood character or the intent of the residential design objectives.

In each case, there was enough uncertainty regarding the proposed project design that the City could not answer unequivocally, YES. The City Planning Commission answered MAYBE to each of the three findings suggesting that the proposal may not be in line with the character of neighborhood or community.

Commission staff has had an opportunity to evaluate the application materials submitted for review and has similar concerns to those expressed in the findings of the City. Aside from the obvious aesthetic changes in architectural style, the scale and mass of the proposed structure deviates greatly from the size and scale of existing homes in the neighborhood. The surrounding neighborhood is a mix of wood and plaster homes, generally low in scale and unpretentious, although, there are examples of larger two-story homes nearby. The proposed home does not share these design characteristics. By and large, however, the neighborhood retains much of its original architectural character and has not undergone the dramatic transformation through demolition and rebuild exhibited elsewhere in Carmel.

In response to concerns raised that existing standards were leading to architectural designs that are large and massive, such as that proposed in this application, the City has developed standards in conjunction with its recent LCP submittal that places a limit on volume as a means to reduce scale and mass. This concept was presented to the Commission at the March 2003 hearing on the City's LUP as part of the rationale for not incorporating a reduction in floor area into the LCP and as a way to preserve the small-scale character of the community. The City provided a visual illustration of this concept with two scaled model homes, one designed under volumetrics, the other not. Relying in part on this presentation, the Commission adopted the City's proposed floor area standard. Although not yet certified, the volumetric standard can provide useful guidance for determining the projects consistency with the Coastal Act and preserving the small-scale character of the community. Unfortunately, the current project was reviewed by the City prior to implementation of volumetrics and thus, the total volume was not calculated for the proposed residence.

LUP policy P1-41 states, in part: "buildings shall not present excess visual mass or bulk to the public view or to adjoining properties." Staff prepared a rough estimate of volume based on the blue-line sheets provided by the applicant and found that the project exceeded the maximum allowed volume by 1,550 cubic feet (7.5%). The Applicant also obtained an estimate prepared by John Thodos Architects, which found the volume to be approximately 7 cubic feet (.03%) under the allowable maximum of 20,764 cubic feet. Seven cubic feet is equivalent to a floor area space the size of an 8.5" x 11" sheet of paper (assuming an 11' plate height).⁵ Admittedly, staff's expertise in this area is limited, however, the applicant's consultant likewise articulated that the figures were estimates only. In fact, based on the difficulty in making the calculations, it should be expected that three different architects would derive three different estimates of volume. Thus, given the estimates prepared for the new residence, it would appear that the proposed residence may be consistent with the City's volumetric guidelines, though because the margin is so close (.03%), a conservative approach towards volume and mass is warranted.

⁵ The total volume of the residence is estimated based on a number of variables including site grade, building footprint and height, and roof form. Because of the difficulty in quantifying the volume of space beneath a complicated roof form, the figures presented in Table 1 are estimates only.



By contrast, there is little argument that the project is inconsistent with the more qualitative and complimentary LUP policies designed to preserve the small-scale character of the community. For example, LUP policy P1-46 requires designs to use simple modest building forms, a limited number of roof planes, and a restrained employment of offsets and appendages. The proposed design is not simple or modest and includes three oriel windows, a multifaceted roof form of gables, hips, and cross-gables, and an excessive number (27) of roof planes, which all contribute to the massing at this location. Square and rectangular building forms are organized in a rough “U” shape and there are a number of offsets and articulations. Three superfluous oriel windows at the north, west, and east elevations contribute to volume and mass of the residence, but do not add any living space (i.e., square footage). All of these design features add to the architectural style and decorative “feel” of the proposed new residence, but are neither necessary nor consistent with the City’s certified LUP. That said, the design could be made less complicated and voluminous by eliminating all or some of the roof hips, the cross-gables, and the number of roof planes. Likewise, removing the oriel windows will eliminate gratuitous appendages that add to volume and massing while not affecting actual living space.

Thus, in order to address the excess volume and mass presented by the architectural design of the replacement home and to bring the project into conformance with LUP policies P1-41 and P1-46, staff is recommending special condition 1 to require Revised Plans demonstrating a less complicated roof form with no more than 19 roof planes. The Revised Plans further require the applicant to eliminate the three oriel windows from the proposed design and by extension, reduce the amount of unnecessary volume of the overall residence.

Conclusion

Although the LUP is not yet the formal standard of review, it is useful guidance for evaluating project impacts on community character. The existing modest house is well within the allowable limits for building density, mass, and coverage consistent with LUP policies. By comparison, the two-story replacement house, with its eclectic architectural design, complex roof form, and several superfluous appendages, will appear large and massive as viewed from 1st Avenue and San Carlos. Although the residence may be within the limits of volume as prescribed by the City of Carmel, the size and scale of the new home could not be considered simple or modest and does not relate well to the established character of the neighborhood. Staff is recommending special conditions to address these concerns and bring the project into conformance with both the certified LUP policies and chapter 3 of the Coastal Act. Only as conditioned, can the demolition and proposed replacement house be found consistent with section 30253(5) of the Coastal Act.

ii. Architectural Style

The City’s Design Traditions Project also identified Carmel’s eclectic architecture as a defining element of its character. Carmel is distinctly recognized for its small well-crafted cottages, informal streetscapes, and architectural diversity. These modest residences are associated with the era in which Carmel was known for its resident artists and writers, and functioned as a retreat for university professors and other notables. Early development was greatly influenced by the Arts and Crafts movement, which stressed the use of simple designs and natural materials—quite unlike the extravagantly detailed architecture of the



earlier Victorian period. Several European Revival styles became popular in the 1920's and 1930's. The introduction of more modern styles followed post-WWII. Many of Carmel-by-the-Sea's homes exhibit fine craftsmanship. Local builders often embellished their work with detailing and individual style creating a unique and appealing building design. Underlying this architectural diversity, are environmental influences (i.e., trees, topography, exposure to sunlight) and patterns of scale and form that consistently reappear to establish Carmel's character.

Project Analysis and Impacts

The City's adopted LUP policies require that all residential designs maintain the City's enduring principals of modesty and simplicity and preserve the City's tradition of simple homes nestled in the forest (P1-41). These policies likewise recommend limiting the number of roof planes and require restraint in the use of offsets and appendages (P1-46). These principles appear to most appropriately apply to the immediate neighborhood of the proposed development (i.e., near the intersection of 1st Avenue and San Carlos). The neighborhood is comprised of simple and modest cottages generally one or one and one half stories in height, punctuated by the occasional newer two-story home. The neighborhood was subdivided in 1908 and it appears to retain much of its early character, architecturally and otherwise.

Typical of the majority of homes in this neighborhood, the cottage proposed for demolition is a modest ell-shaped board and batten with a simple, moderately sloped gable roof, and wood divided windows. The house is modest in size at 1,445 square feet and its understated architectural style is clearly subordinate to several mature pines and a large multi-branched coast live oak that dominates the site. The house exemplifies the typical post-WWII houses built in Carmel and elsewhere in California that encouraged indoor/outdoor living. Though not considered historically significant, the house contributes to the distinct character of the neighborhood and community.

The applicant proposes to replace the cottage with a modern, eclectic, Tudor-inspired home that is neither simple or modest. The building footprint consists of mainly square and rectangular elements organized in a rough "U" shape and there are a number of offsets and appendages. The proposed design includes a complex roof form of gables, hips, and cross-gables, with roughly 27 roof planes that adds to the complexity and mass of the replacement house. There are also four skylights, three oriel windows, a second floor "roof" deck with wrought iron railing, and copper rain gutters. Primary exterior building materials include plaster wall, simulated slate roof, true-divided wood windows and Carmel stone at the chimney, garage, entry, and garden walls.

The design of the proposed replacement house is not consistent with intent of certified LUP policies P1-41 and P1-46 above, which generally require home designs to be simple and modest. The architectural design involves an irregular and complicated roof form, numerous roof planes, and a variety of exterior building appendages and window treatments. Simplifying the roof design and window treatments will remove some of the "busy" design elements that are inconsistent with guidelines set forth in the certified LUP. Thus, in order to bring the project into conformance with the certified LUP, staff is recommending special condition 1 requiring the applicant to submit Revised Plans demonstrating a simpler roof design with no more than 19 roof planes. The Revised Plans further require the applicant to eliminate the three oriel windows located on the north, east, and west elevations.



Conclusion

As proposed, the replacement residence is not simple and modest in its architectural expression. The roof form is complicated, there are numerous roof planes, and there is no restraint in the use of window treatments and appendages. Whereas the existing house embodies the principles of simplicity and modesty, the new home is clearly inconsistent with the City's tradition of simple homes set amidst a forest landscape. Staff has recommended special conditions that will bring the proposed residence into conformance with the City's certified LUP and section 30253 of the Coastal Act. As so conditioned, the proposed demolition of the existing house and construction of the new residence can be found consistent with Coastal Act section 30253(5) for the preservation of Carmel's unique character.

iii. Trees/Forest Character

Similar to the findings on size and scale, the City's Design Traditions Project identified the forest landscape as a significant defining element of Carmel's character. The forest provided early builders with the context for which to base their designs. The subdivision pattern laid out by Devendorf and Powers ignored the presence of trees. However, early Carmel settlers and builders made a conscious decision to acknowledge the natural features of the site including trees when designing the eclectic cottages. These folks recognized early on that the forest provided a sense of "place" unique to the Carmel experience.

The City's LUP likewise acknowledges the value of trees to the Carmel experience and provides specific protection measures to ensure development and redevelopment will not adversely impact those resources. For example LUP policies require site improvements to be compatible with and sensitive to natural features. Residential designs are required to maintain the City's tradition of simple modest homes nestled in the forest. New development is required to minimize impervious surfaces and maintain open space for forest regeneration. Buildings need to be located to avoid removal and pruning and otherwise minimize damage to significant trees. All development must maintain a minimum 6-foot setback from significant trees. Moreover, removal of significant trees is prohibited unless it would preclude a reasonable economic use or pose a public threat to health and safety. These policies are absolutely necessary to preserve this aspect of Carmel's character as the City redevelops over the years. Redevelopment of Carmel's aging stock of residential homes poses the greatest threat to the City's forest resources.

Project Analysis and Impacts

The Commission has expressed concern regarding the removal of significant trees and adverse impacts to the forested context of the community. Many persons believe that *the* defining characteristic of Carmel is the forested context of the landscape. Carmel is known for its Monterey pines and coast live oaks. Monterey pines are upper-canopy trees that provide the "forest" context of the village. In addition, they have been successful in colonizing the sandy soils and moderate slopes of the upper Carmel watershed where other species have not.

Many of Carmel's Monterey pines are in declining condition. Monterey pines have an average life of 60 – 70 years, some live to 100 years. Many of these character-defining upper canopy trees were planted



and/or recruited naturally when the City originally developed in the early part of the last century and are thus in the sunset period of their life. In a natural setting, recruitment of volunteer pines would eventually replace those dying and dead trees. However, human impacts and disease have disrupted the natural cycle of regeneration of the Monterey pine forest. As the City redevelops with usually larger structures, there is less space available for natural recruitment. Larger buildings often require construction next to, or as is sometimes the case, removal of trees. Disease is taking its toll as well. Pine pitch canker has significantly reduced natural recruitment of volunteer pines and the efficacy of the City's efforts to "replant" trees. And thus, as the forest ages, there are fewer new trees to replace them when they die. This is all leading to an eventual decline in the prominence of Monterey pines in Carmel's urbanized forest landscape. The same trend is occurring with coast live oak. Construction impacts are taking a toll, natural elements are impacting this species, and the City's replanting efforts are not fully realizing its goals.

There are two small coast live oaks, one approximately 6" in diameter, along the northern property boundary. In addition, a large unpaved public right of way exists along both frontages (1st Avenue and San Carlos) that support several trees important for the neighborhood. The 1st Avenue right of way has 3 mature Monterey pine trees and one 6" coast live oak. The San Carlos right of way supports a large multi-branched coast live oak that spreads well into the lot. The proposed demolition and construction of the new house does not require removal of any significant trees, though the new house will be placed within 4' feet of the 6" oak growing along the northern property line. The City's LUP policies require a minimum buffer of six feet for significant trees. This "buffer" is designed to protect trees from construction impacts and to provide plenty of space for future growth and regeneration. In this case, the City Forester did not make a determination of significance for this oak,⁶ although, in the past, the Commission has found that oak trees greater than 6" in diameter qualified as significant. The proposed project may also require the removal of a large branch from a mature Monterey pine that is growing near the northern property boundary on the adjacent lot.

To aid in screening the second story from the streetscape, the applicant proposes to plant three additional trees, including 2 Monterey cypresses and one Douglas fir. These will be placed along the northern boundary of the lot. The proposed placement of the Monterey cypress is within a few feet of the replacement home even though this species is known to get quite large.

Recognizing the potential visual impacts along the 1st Avenue frontage, the City conditioned its approval on the planting of an additional pair of lower canopy trees (coast live oak, sycamore, or liquidamber) to aid in screening the building mass. The condition allows planting of the oaks either on site or within the public right of way and requires the applicant/owner to maintain the trees for a period of at least five years. The City has undertaken replanting as a way to enhance forest resources with limited success, as there is difficulty in monitoring the health and condition of trees and/or enforcing minimum tree requirements on public property.

Conclusion

As currently proposed, the demolition of the existing house and construction of the new house is not

⁶ Significance is determined through an evaluation of the species, age, health, and general contribution to the site.



consistent with Coastal Act section 30253(5) protecting the character of special communities. LUP Policy P1-46 requires all buildings and structures to be setback a minimum of 6 feet from significant trees. P1-45 requires new buildings be located to avoid removal or pruning of significant trees. The City has determined that Monterey pine and coast live oaks are important to maintaining the village character of Carmel. Special condition 1 requires the applicant to submit Final Plans demonstrating the oriel window on the north elevation has been removed. This will provide an additional 16" buffer to the 6" oak. The Final Plans shall also include all feasible measures have been taken during construction to avoid removal or pruning of significant trees.

As so conditioned, the proposed demolition and construction of a replacement home is consistent with section 30253(5) of the Coastal Act.

2. Water Quality

Section 30231 of the Coastal Act states:

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Carmel-by-the-Sea lies within and at the bottom of the Carmel River watershed. Runoff from the City flows into Carmel Bay, which is designated both as an Area of Special Biological Significance (ASBS) in the California Ocean Plan, and as a California Fish and Game Ecological Reserve. It is also part of the Monterey Bay National Marine Sanctuary. An ASBS is an area designated by the State Water Resources Control Board that requires special protection of species or biological communities that could be impacted by water quality degradation. As mentioned in the findings above, Carmel Beach and the shoreline also is a highly popular public recreation area. Maintaining and restoring water quality throughout the Carmel River watershed, and in this case, Carmel's urban landscape, is necessary to protect these sensitive coastal resources.

In past applications, (see Reimers, 3-01-123, June 2002) the Commission has approved projects as consistent with Coastal Act policies and the goals for protecting community character, that maintained a greater ratio of open space to impervious surface. In the Reimers application, the ratio was 60:40, 60% open space and 40% impervious surface. The Commission found that the project preserved a sufficient amount of open space to capture the runoff from the developed hard surface areas and function as natural filter of storm water runoff. Part of the Carmel's ambience or character is the informal streetscapes. The City of Carmel-by-the-Sea does not have any formalized drainage or storm water collection facilities throughout its moderate slopes. No rain gutters or curbs to collect and direct storm water runoff. Rather the City relies primarily on natural drainages and undeveloped land to collect runoff and filter it before conveying it to Carmel Beach and into the Monterey Bay National Marine Sanctuary (MBNMS).



Engineered filtration systems incorporate the use of sands and charcoal for filtering solid materials and microscopic impurities. In Carmel, the sands are naturally occurring. Its moderate slopes are comprised primarily of ancient sand dunes on top of bedrock.

There are many elements that determine the rate at which water can be absorbed into the earth. But because sand is typically coarse, absorption is generally good. In a naturally occurring environment, we would expect the vast majority of water produced by rain to be absorbed and transported to the beach below. However, as more land is made impervious, less land is available for absorption of water. The remaining undeveloped land must be sufficient to perform the natural watershed functions otherwise uncollected runoff is created.

Applicable LUP Standards

Adopted LUP Policy P5-195 states:

Provide development guidelines and permit conditions that limit impervious surfaces and the connection of multiple impervious surfaces; implement simple infiltration techniques throughout drainage areas to efficiently manage storm water; infiltrate runoff into the soil, retain runoff for slower release and convey runoff slowly through vegetation.

Adopted LUP Policy P5-199 states:

Consistent with section 30231 of the Coastal Act, development shall not result in the degradation of coastal waters caused by the introduction of pollutants, or by changes to the landscape that adversely impact the quality, quantity and flow dynamics of coastal waters. Runoff shall not be discharged in a manner that adversely impacts the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and protect human health.

Adopted LUP Water Quality Policy P5-201 states:

BMPs shall be incorporated into the project design in the following progression:

- Site Design BMPs (any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading);
- Source Control BMPs (practices that prevent release of pollutants into areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals);
- Treatment Control BMPs (a system designed to remove pollutants from runoff including the use of gravity settling, filtration, biological uptake, media adsorption



or any other physical, biological, or chemical process).

Site design and source control BMPs shall be included in all new developments. Where the development poses a threat to water quality due to its size, type of land use or proximity to coastal waters (or proximity to a creek, channel or storm drain system that leads to coastal waters) and the combination of site design and source control BMPs is not sufficient to protect water quality as required by P5-199, treatment control BMPs shall be implemented.

Analysis

In this specific case, the proposed demolition would facilitate the development of 45% of the lot, which is equal to the existing condition on the site. Both existing and proposed homes have a footprint of roughly 1,400 square feet and another 400 square feet in non-structural coverage. The existing home has rain gutters with downspouts that release rainwater more or less onto the ground for absorption and filtration prior to conveyance off-site. Without knowing the specifics of the existing condition (e.g., sand condition, depth, presence of clay, available open space on adjacent lots, water pressure created by the slope and height of the roof, etc.), it is difficult to ascertain whether this system is adequate to handle the amount of storm water runoff created from the current impervious coverage. But because there is virtually no change in the amount of impervious coverage with the proposed vs. existing home, we can assume that there may not be any additional storm water runoff generated by the new home. However, we do know the new house will be built on a moderately steep sloping lot and so it is very likely that without a designed on-site storm water retention feature, runoff generated from the site will spill out onto the City street (1st Avenue) and run down to Carmel Bay with little opportunity for absorption or filtration.

The City relies primarily on natural drainages and open space to convey runoff from the upper slopes of the watershed, down through the City to Carmel Beach and the Monterey Bay National Marine Sanctuary. The City's adopted LUP policy P5-199 requires that all new development not result in the degradation of coastal waters and LUP policy P5-195 further requires new development limit impervious surfaces and infiltrate runoff into the soil to efficiently manage storm water runoff. In addition LUP policy P5-201 requires site design and source control Best Management Practices in all new development. Given the site constraints and the requirements of the LUP, the City's approval did not adequately address these issues. At a minimum, the City might have required a drainage plan documenting how runoff from the new structure will be collected and directed on site for infiltration in a non-erosive manner. This condition is needed to ensure that runoff created by the development is captured on-site and allowed to percolate into the soils, minimizing erosion, filtering pollutants, nurturing the forest landscape, and aiding the recharge of aquifers.

To aid in controlling and containing runoff created from the increase in impervious surfaces of the new development, staff is recommending that the applicant submit a drainage plan. Special Condition 2 requires the applicant to submit a drainage plan for Executive Director review and approval, documenting how runoff from the new structure will be collected and directed on site for infiltration in a non-erosive manner. This special condition serves to ensure that runoff created by the development is captured on-site and allowed to percolate into the soils, minimizing erosion, filtering pollutants, nurturing the forest



landscape, and aiding the recharge of aquifers. As conditioned, the Commission finds that the proposed project preserves the quality of coastal waters and is consistent with section 30231 of the Coastal Act.

Conclusion

The existing home is not completely consistent with section 30231 of the Coastal Act because it does not adequately take measures to ensure that coastal waters will not be fouled by polluted runoff. The proposed project would likely also be inconsistent with the City's adopted LUP policies because construction activity will disturb the existing drainage pattern of the site and the proposal does not include the design of on-site drainage facilities (e.g., infiltration and retention basins). Furthermore, site design and source control BMPs have not been included with the plans to demolish the existing house and construct the new house. Staff has conditioned the project to bring it compliance with chapter 3 of the Coastal Act and the certified policies of the City's LUP.

As conditioned, the Commission finds that the proposed project preserves water quality and is consistent with section 30231 of the Coastal Act.

3. Local Coastal Programs

The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). As described previously, the City is currently working on a new LCP submittal (both LUP and IP), funded in part by an LCP completion grant awarded by the Commission. The Commission has approved the City's LUP and work on the IP has commenced.

The Coastal Act provides specific guidance for issuance of coastal development permits in cases where the local jurisdiction does not have a certified LCP. Section 30604(a) of the Coastal Act states:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

The City is currently in the middle of a community planning process to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve said character consistent with the Coastal Act. The City's Land Use Plan has been approved by the Commission and staff has referred to its policies for guidance on the proposed development. Nevertheless, the Coastal Act remains the standard of review and staff has had to use its best professional judgement to assess the individual and cumulative effect that projects such as this will have on the community character of Carmel.

As described previously, to implement community character protection requirements of the Coastal Act, the Commission evaluates projects and measures a project's impact on coastal resources across a number



of variables. These changes are also evaluated in the overall context of changes in community character. Because the more specific features that define Carmel's character, as well as their significance, has yet to be decided, it is important to focus on measures of significant change to community character so that the completion of an LCP consistent with the Coastal Act is not prejudiced. One such criterion is whether the development will result in an increase in impervious surfaces, involve the demolition of notable or historic buildings or result in the removal of significant trees or vegetation. Each of these factors must be evaluated separately and together as a whole. As discussed above, the proposed demolition does not involve a historic resource. The rebuild may exceed the volume standard for single-family residence on 4,000 square foot lots, has a complex roof design, numerous roof planes, and unnecessary exterior appendages. There are also potential tree disturbance and water quality issues as well. As a result, individual and cumulative adverse impacts on community character, water quality, drainage, and the health of the Monterey pine forest may occur. Staff has recommended special conditions to address these concerns and bring the project into compliance with the Coastal Act sections for protecting coastal waters and preservation of special communities. The proposed project will replace the existing aged cottage with a modern Tudor-inspired design. Only, as conditioned will the proposed demolition and rebuild be consistent with the overall character along San Carlos Street, 1st Avenue, and the neighborhood.

Additionally, the proposed project will not otherwise impact public access or view opportunities available to the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Policy 30604(a) in that approval of the project has been found consistent with the Chapter 3 policies of the Coastal Act and will not prejudice development of the LCP in conformance with Chapter 3 policies of the Coastal Act.

4. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA.

